

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-33 remain pending in the case. Claims 1-33 are rejected. Applicants respectfully note that a basis for rejecting Claim 6 was not provided.

### 35 U.S.C. §102(e)

Claims 14-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,404,860 by Casellini et al., hereinafter referred to as the "Casellini" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 14-16 are not anticipated by Casellini.

Applicants respectfully direct the Examiner to independent Claim 14 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for automatically delivering a phone call to a device, said method comprising:  
monitoring for incoming phone calls by a task of an operating system of said device, said task interfacing directly with the telephony functionality of said device, said task always remaining active irrespective of activities of said operating system;  
receiving said incoming phone call by said task; and  
said task notifying a user of said device of said incoming phone call irrespective of said user's activity on said device and without terminating said activities.

Claims 15 and 16 that depend from independent Claim 14 provide further recitations of features of the present invention.

Casellini and the claimed invention are very different. Applicants understand Casellini to teach a call management system for managing telephone calls made to other devices. In particular, Casellini teaches a call management system that handles voice messaging for a telephone call made to a device if the call recipient does not answer the telephone call. The call management center communicates with the call recipient's computer over the Internet if the call recipient does not answer the telephone call.

With reference to Figure 3 of Casellini, Applicants understand Casellini to teach a call management system 300 for handling phone calls originally directed to a communication device associated with a called number. The call management system 300 directs incoming calls to a telephone or other communication device (col. 1, lines 41-43 and col. 4, lines 14-16). If the called number is busy or not answered, it is redirected to the call management system 300 (col. 1, lines 45-47 and col. 3, line 67 through col. 4, line 2). In particular, Applicants respectfully assert that call management system 300 is a separate device from the communication device.

In contrast, embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device

including “monitoring for incoming phone calls by a task of an operating system of said device, said task interfacing directly with the telephony functionality of said device” (emphasis added). In particular, embodiments of the present invention are directed towards a task of the device monitoring for incoming phone calls. An aspect of the claimed embodiment, therefore, is to allow for the device itself to detect and handle incoming calls, which is vastly different from the cited art.

Moreover, embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device including “notifying a user of said device of said incoming phone call by said background task irrespective of the user’s activity on said device without terminating said application.” In particular, embodiments of the present invention are directed towards notifying a user without disrupting the application that the user is interacting with and that is running on the operating system. An aspect of the claimed embodiment, therefore, is to inform, without interruption, which is also vastly different from the cited art.

As described in the present application, the operating system of the device operates to control a wide variety of applications, including a graphical user interface (GUI) and a telephony task (page 15, lines 8-10). The telephony task can operate simultaneously to other applications, such as the GUI. The telephony task monitors the phone chipset of the device for incoming calls.

Upon receiving an incoming call, the telephony task notifies the operating system. The operating system then attempts to notify the user. If other applications that block the phone call are in use, the telephony task in accordance with the claimed embodiment does not terminate the application. In particular, if the GUI is busy and is blocking notification of an incoming call, the GUI is not affected, and the telephony task is blocked from accessing the GUI (see page 15, line 1 through page 17, line 13).

Applicants respectfully assert that Casellini in particular does not teach, disclose, or suggest the apparatus as claimed. Specifically, Casellini does not teach, disclose, or suggest a method of automatically delivering a phone call to a device including monitoring for incoming phone calls by a task of an operating system of the device, as claimed. In contrast, Casellini teaches a call management system for monitoring calls to a separate communication device. Furthermore, Casellini does not teach, describe or suggest that the call management system notifies the user of the communication device of the phone call irrespective of the user's activity on the communication device, as claimed. In contrast, Casellini teaches that the call is redirected to the call management system if the call is not answered at the communication device.

Applicants respectfully assert that nowhere does Casellini teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claim 14, and that this claim overcomes the rejection

under 35 U.S.C. § 102(e) and is thus in a condition for allowance. Therefore, Applicants respectfully submit that Casellini also does not teach or suggest the additional claimed features of the present invention as recited in Claims 15 and 16 that depend from independent Claim 14. Therefore, Applicants respectfully submit that Claims 15 and 16 overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 1-5, 13, 23, 24 and 27-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Casellini. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-5, 13, 23, 24 and 27-33 are not anticipated nor rendered obvious by Casellini in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

In a portable electronic device, a method for automatically delivering a phone call, said method comprising:  
monitoring for incoming phone calls by a background task of an operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one application;

detecting said incoming phone call by said background task;  
notifying said operating system of said incoming phone call by said background task; and  
notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Independent Claim 23 recites similar limitations. Claims 2-5 and 13 that depend from independent Claim 1 and Claims 24 and 27-33 that depend from independent Claim 23 provide further recitations of features of the present invention.

Casellini and the claimed invention are very different. Applicants understand Casellini to teach a call management system for managing telephone calls made to other devices. In particular, Casellini teaches a call management system that handles voice messaging for a telephone call made to a device if the call recipient does not answer the telephone call. The call management center communicates with the call recipient's computer over the Internet if the call recipient does not answer the telephone call.

With reference to Figure 3 of Casellini, Applicants understand Casellini to teach a call management system 300 for handling phone calls originally directed to a communication device associated with a called number. The call management system 300 directs incoming calls to a telephone or other communication device (col. 1, lines 41-43 and col. 4, lines 14-16). If the called

number is busy or not answered, it is redirected to the call management system 300 (col. 1, lines 45-47 and col. 3, line 67 through col. 4, line 2). In particular, Applicants respectfully assert that call management system 300 is a separate device from the communication device.

In contrast, embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device including “monitoring for incoming phone calls by a task of an operating system of said device, said task interfacing directly with the telephony functionality of said device” (emphasis added). In particular, embodiments of the present invention are directed towards a task of the device monitoring for incoming phone calls. An aspect of the claimed embodiment, therefore, is to allow for the device itself to detect and handle incoming calls, which is vastly different from the cited art.

Moreover, embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device including “notifying a user of said device of said incoming phone call by said background task irrespective of the user’s activity on said device without terminating said application.” In particular, embodiments of the present invention are directed towards notifying a user without disrupting the application that the user is interacting with and that is running on the operating

system. An aspect of the claimed embodiment, therefore, is to inform, without interruption, which is also vastly different from the cited art.

As described in the present application, the operating system of the device operates to control a wide variety of applications, including a graphical user interface (GUI) and a telephony task (page 15, lines 8-10). The telephony task can operate simultaneously to other applications, such as the GUI. The telephony task monitors the phone chipset of the device for incoming calls. Upon receiving an incoming call, the telephony task notifies the operating system. The operating system then attempts to notify the user. If other applications that block the phone call are in use, the telephony task in accordance with the claimed embodiment does not terminate the application. In particular, if the GUI is busy and is blocking notification of an incoming call, the GUI is not affected, and the telephony task is blocked from accessing the GUI (see page 15, line 1 through page 17, line 13).

Applicants respectfully assert that Casellini in particular does not teach, disclose, or suggest the apparatus as claimed. Specifically, Casellini does not teach, disclose, or suggest a method of automatically delivering a phone call to a device including monitoring for incoming phone calls by a task of an operating system of the device, as claimed. In contrast, Casellini teaches a call management system for monitoring calls to a separate communication device. Furthermore, Casellini does not teach, describe or suggest that the call



management system notifies the user of the communication device of the phone call irrespective of the user's activity on the communication device, as claimed. In contrast, Casellini teaches that the call is redirected to the call management system if the call is not answered at the communication device.

In sum, Applicants respectfully assert that nowhere does Casellini teach, disclose or suggest the present invention as recited in independent Claims 1 and 23, and that this claimed subject matter overcomes the rejection under 35 U.S.C. § 103(a) and is thus in a condition for allowance. Therefore, Applicants respectfully submit that the combination of Yang and August also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-5 and 13 that depend from independent Claim 1 and Claims 24 and 27-33 that depend from independent Claim 23. Therefore, Applicants respectfully submit that Claims 2-5, 13, 24 and 27-33 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 7-9 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Casellini in view of European Patent 0 940 964 by Lopez Gonzalez, hereinafter referred to as the "Lopez Gonzalez" reference. Claims 7-9 depend from independent Claim 1 and Claims 17-19 depend from independent Claim 14. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in

Claims 1 and 14 is not anticipated by the combination of Casellini and Lopez Gonzalez in view of the following rationale.

As described above, Applicants understand Casellini to teach a call management system that directs incoming calls to a telephone or other communication device. Applicants understand Lopez Gonzalez to teach a telephone call indicator. Applicants respectfully assert that Lopez Gonzalez, either alone or in combination with Casellini, does not teach, describe or suggest a method of automatically delivering a phone call to a device including monitoring for incoming phone calls by a task of an operating system of the device, as claimed. Furthermore, Applicants respectfully assert that Lopez Gonzalez, either alone or in combination with Casellini, does not teach, describe or suggest that the call management system notifies the user of the communication device of the phone call irrespective of the user's activity on the communication device, as claimed.

Therefore, in view of the claim embodiments not being shown or suggested in either Casellini or Lopez Gonzalez, in combination with the above arguments, Applicants respectfully submit that independent Claims 1 and 14 overcome the cited references and are therefore allowable over the combination of Casellini and Lopez Gonzalez. Therefore, Applicants respectfully submit that the combination of Casellini and Lopez Gonzalez also does not teach or suggest the additional claimed features of the present

invention as recited in Claims 7-9 that depend from independent Claim 1 and Claims 17-19 that depend from independent Claim 14. Therefore, Applicants respectfully submit that Claims 7-9 and 17-19 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on allowable base claims.

Claims 10-12, 20-22, 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Casellini in view of United States Patent 6,370,401 by Baranowski et al., hereinafter referred to as the "Baranowski" reference. Claims 10-12 depend from independent Claim 1, Claims 20-22 depend from independent Claim 14, and Claims 25 and 26 depend from independent Claim 23. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1, 14 and 23 is not anticipated by the combination of Casellini and Baranowski in view of the following rationale.

As described above, Applicants understand Casellini to teach a call management system that directs incoming calls to a telephone or other communication device. Applicants understand Baranowski to teach a storage case for a wireless headset. Applicants respectfully assert that Baranowski, either alone or in combination with Casellini, does not teach, describe or suggest a method of automatically delivering a phone call to a device including monitoring for incoming phone calls by a task of an operating system of the

device, as claimed. Furthermore, Applicants respectfully assert that Baranowski, either alone or in combination with Casellini, does not teach, describe or suggest that the call management system notifies the user of the communication device of the phone call irrespective of the user's activity on the communication device, as claimed.

Therefore, in view of the claim embodiments not being shown or suggested in either Casellini or Baranowski, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 14 and 23 overcome the cited references and are therefore allowable over the combination of Casellini and Baranowski. Therefore, Applicants respectfully submit that the combination of Casellini and Baranowski also does not teach or suggest the additional claimed features of the present invention as recited in Claims 10-12 that depend from independent Claim 1, Claims 20-22 that depend from independent Claim 14, and Claims 25 and 26 that depend from independent Claim 23. Therefore, Applicants respectfully submit that Claims 10-12, 20-22, 25 and 26 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on allowable base claims.

### CONCLUSION

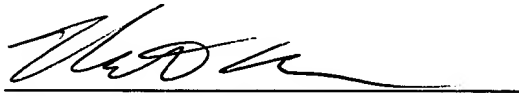
Based on the arguments presented above, Applicants respectfully assert that Claims 1-33 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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